

Application No. 10/687,066  
Filed: October 16, 2003  
TC Art Unit: 2636  
Confirmation No.: 8904

REMARKS

Reconsideration of the application is respectfully requested in view of the following remarks.

Several typographical errors in claims 1 and 8 have been noted and corrected.

Claims 1-12 stand rejected as obvious over U.S. Patent 6,531,960 to Gladstone et al. ("the '960 patent").

Under 35 U.S.C. §103 (c)(1) "Subject matter developed by another person, which qualifies as prior art only under one or more of sections (e), (f), and (g) of section 102 of this title shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

In the instant case, application number 09/712,706 which matured as the '960 patent was owned by Peter Gladstone at the time the present invention was made. Additionally, Jason Morris, the inventor of the presently claimed subject matter was under an obligation to assign the invention to Peter Gladstone at the time the invention was made and in fact, per assignment recorded at reel/frame 013654/0605 assigned provisional application 60/423,867 to Peter Gladstone. The present application claims the benefit of provisional application 60/423,867.

Application No.10/687,066  
Filed: October 16, 2003  
TC Art Unit: 2636  
Confirmation No.: 8904

Both the '960 patent and the present application have been assigned by Peter Gladstone to TAGG Technology Corp and are currently owned by TAGG Technology Corp. A copy of an assignment of the present application to TAGG Technology Corp. is enclosed.

In view of the foregoing the presently claimed invention is patentable over the Gladstone '960 patent. Accordingly, it is respectfully requested that the rejection based on the Gladstone '960 patent be withdrawn.

Moreover, the claimed invention recites a magnetic actuation technique for a tire pressure indicator which is neither disclosed nor suggested in the '960 patent and which differs in operation from the mechanism described in the '960 patent. More specifically, unlike the presently claimed subject matter, the '960 patent discloses a tire pressure indicator that employs a camming mechanism with engaging surfaces to achieve movement of the indicator. Accordingly, the Applicant respectfully submits that the present claims patentably distinguish over the '960 patent.

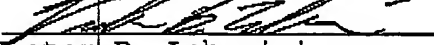
Since none of the art or record discloses or suggests the presently claimed subject matter, the Applicant respectfully submits that the present application is in condition for allowance and allowance of the application is respectfully solicited.

Application No.10/687,066  
Filed: October 16, 2003  
TC Art Unit: 2636  
Confirmation No.: 8904

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

JASON A. MORRIS

By:   
Victor B. Lebovici  
Registration No. 30,864  
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEOVICI LLP  
Ten Post Office Square  
Boston, MA 02109  
Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

323968

BEST AVAILABLE COPY